

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CAROLYN BURKS,

Plaintiff,

v.

JOHN E. POTTER,

Defendant.

No. C06-05211 MJJ

ORDER TO SHOW CAUSE

THE COURT hereby issues an ORDER TO SHOW CAUSE why Plaintiff's claims should not be dismissed for failure to prosecute, pursuant to Federal Rule of Civil Procedure Rule 41(b).


In order to bring suit against the United States or its agencies, Plaintiff must comply with Federal Rule of Civil Procedure 4(i). This rule provides that service must be effected "by delivering a copy of the summons and of the complaint to the United States Attorney for the district in which the action is brought" or to a designated assistant United States attorney or clerical employee, or by sending a copy of the summons and complaint to the civil process clerk at the United States attorney's office by registered or certified mail. FED. R. CIV. P. 4(i)(1)(A). Plaintiff must also send a copy of the summons and complaint to the Attorney General of the United States in Washington D.C. by registered or certified mail. *Id.* at 4(i)(1)(B). Finally, where an employee or agency of the United States is sued, Plaintiff must send a copy of the summons and complaint to the employee or agency by registered or certified mail. *Id.* at 4(i)(2)(A). Service must be made within 120 days after the complaint is filed. *Id.* at 4(m).

On November 11, 2006, this Court issued an order to show cause that required Plaintiff to file a written response. On November 30, 2007, Plaintiff filed a response with the Court, explaining that service had been executed on the Attorney General and the Postmaster General. Plaintiff, however, only filed proof that service was executed on the Postmaster General.

1 Plaintiff must file a written response to this order to show cause that demonstrates
2 compliance with Federal Rule of Civil Procedure 4(i). If Plaintiff fails to file a written response
3 within **20 days** of entry of this order, the case shall be dismissed for failure to prosecute.

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5 **IT IS SO ORDERED.**

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7 Dated: October 17, 2007

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9 MARTIN J. JENKINS
10 United States District Judge
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